

North Miami City Council Meeting
776 N.E. 125th Street, 2nd Floor, Council Chambers
North Miami, FL 33161

Summary Minutes of Regular Council Meeting

TUESDAY, APRIL 8, 2014 beginning 7: 18 P.M.

1. PLEDGE OF ALLEGIANCE

(Leimys Ramirez, Student, Miami-Dade College-North Campus)

2. INVOCATION

(Minister Harold Jean, SBNA Ministry) Replaced by Interim Police Chief Burgess, Leonard

3. CALL TO ORDER / ROLL CALL OF MEMBERS

Mayor	Tondreau	Here
Council member	Galvin	Here
Council member	Keys	Here
Council member	Steril	Here
Vice Mayor	Bien-Aime	Here

4. ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals)

The City Manager, Mr. Stephen Johnson requested that [TAB B] to be removed from the agenda, and [TAB R], [TAB S], and [TAB T] to be added.

5. SPECIAL PRESENTATION(s)

- ◆ Certificate of Recognition to *David Lawrence, Jr. K-8 students* for placing 3rd in the district for competing in the *Odyssey of the Mind*, an International Education program
- ◆ Recognition to North Miami's Citizen Mobile Patrol Graduates
- ◆ Certificate of Recognition to *HOPE, Inc. in honor of Fair Housing Month Celebration*
- ◆ Certificate of Recognition to finalists in the *American Water Works Association Drop Savers Poster Contest in honor of Water Conservation Month*

- ◆ Certificate of Recognition in honor of *Water Conservation Month*
- ◆ Certificate of Recognition in honor of *Jazz Appreciation Month*
- ◆ Certificate of Recognition in honor of *Autism Awareness Month*
- ◆ Certificate of Recognition in honor of *National Financial Literacy Month*

6. CITY EVENTS – ANNOUNCEMENT

Ms. Pam Solomon announced upcoming events for the City of North Miami and advised all City events can be found on the City website at: www.northmiamifl.gov/celebrate

7. CITY PROJECTS 2014 UPDATE

The City Manager gave an update on the city Projects, including a FDOT presentation about an Entryway on 125th St with a welcome statement to the City of North Miami.

8. CITIZENS' FORUM

At the opening of the Citizen Forum, residents came to the microphone and spoke on items of interest.

9. CONSENT AGENDA

Councilman Galvin made a motion to approve the consent agenda; the motion was seconded by Mayor Tondreau and passed by a 5-0 vote.

“...THAT THE CONSENT AGENDA COMPRISED OF TABS A AND C BE ADOPTED...”

[TAB A] APPROVED

APPROVAL OF MINUTES – Regular Council Meeting – March 25, 2014

[TAB B] REMOVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE NATIONAL RECREATION AND PARKS ASSOCIATION (NRPA) FOR A GRANT FROM THE OUT OF SCHOOL TIME PROGRAM; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB C] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY TO PROVIDE FOR THE PLACEMENT OF SCHOOL BASED LAW ENFORCEMENT OFFICERS IN MIAMI-DADE COUNTY PUBLIC SCHOOL SITES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB D] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO PROCEED WITH ANNEXATION ANALYSIS TO DETERMINE THE FEASIBILITY OF A PROPOSED BOUNDARY CHANGE TO INCORPORATE INTO THE CITY OF NORTH MIAMI THE AREA GENERALLY BORDERED ON THE WEST-SIDE BY SPUR CANAL NUMBER 4, ON THE EAST-SIDE BY NORTHEAST 6TH AVENUE, GENERALLY SOUTH TO NORTHEAST 2ND COURT, ON THE SOUTH-SIDE, BY NORTHEAST 135TH STREET, AND ON THE NORTH-SIDE BY SOUTH SPUR DRIVE, IDENTIFIED AS THE “SOUTH SPUR DRIVE ANNEXATION AREA”; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilman Galvin made a motion to approve [TAB D]. This motion was seconded by Councilwoman Steril and passed by a 5-0 vote.

[TAB E] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR ONE (1) NEW ‘VAC-CON SEWER CLEANING/VACUUMING COMBINATION CLEANER - MODEL V311HN/100’ WITH SPECIFIED OPTIONAL EQUIPMENT TO BE PLACED IN SERVICE BY THE PUBLIC WORKS DEPARTMENT, AT A COST NOT TO EXCEED TWO HUNDRED FORTY-TWO THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND EIGHTY-ONE CENTS (\$242,975.81) FROM SOUTHERN SEWER EQUIPMENT SALES, TO PIGGYBACK A COMPETITIVE BID AWARD ISSUED BY THE FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES, UNDER THE OFF-ROAD UTILITIES, MEDIUM/HEAVY TRUCKS, & OTHER FLEET EQUIPMENT - BID NUMBER 13-11-0904; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Council Galvin made a motion to approve [TAB E]. This motion was seconded by Vice-Mayor Bien-Aime and passed by a 5-0 vote.

[TAB F] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA APPROVING THE CITY ADMINISTRATION’S RANKING

RESULTS AND SELECTION OF PAC COMM INC., AS THE HIGHEST RANKED FIRM FOR THE PROVISION OF DESIGN-BUILD SERVICES FOR THE NORTH BAYSHORE PARK FISHING AND VIEWING PIER, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS OF REQUEST FOR PROPOSALS NO. 11-13-14, AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE PROVISION OF DESIGN-BUILD SERVICES (DESIGN DEVELOPMENT, PERMITTING AND CONSTRUCTION SERVICES) FOR THE NORTH BAYSHORE PARK FISHING AND VIEWING PIER, IN THE AMOUNT NOT TO EXCEED FIVE HUNDRED NINETY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$596,500.00).

Councilwoman Keys made a motion to approve [TAB F]. Vice-Mayor Bien-Aime seconded the motion, and it was approved by a 5-0 vote.

[TAB G] TABLED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE PREQUALIFICATION OF A GROUP OF LICENSED, INSURED AND BONDED GENERAL CONTRACTORS WHICH MEET OR EXCEED THE QUALIFICATIONS ESTABLISHED BY CITY ADMINISTRATION, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE REQUEST FOR QUALIFICATION NO. 14-13-14 SIDEWALK REPLACEMENT & INSTALLATION SERVICES – SPECIAL PROGRAM; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE INDIVIDUAL AGREEMENTS WITH SELECTED CONTRACTORS ON AN AS-NEEDED, WHEN-NEEDED BASIS, IN ORDER TO EFFECTUATE THE SIDEWALK REPLACEMENT AND INSTALLATION PROJECT AT LOCATIONS THROUGHOUT THE CITY OF NORTH MIAMI, IN THE AGGREGATE AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Vice-Mayor Bien-Aime made a motion to discuss the item; Councilwoman Steril seconded the motion, but no vote was taken. Then Councilwoman Steril made another motion to table the item. Councilman Galvin seconded the motion, and it passed by a 4-1. Vice-Mayor Bien-Aime voted no.

[TAB H] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S RANKING AND SELECTION OF HIDALGO CONSTRUCTION GROUP, LLC, AS THE HIGHEST RANKED CONTRACTOR TO REMOVE, FURNISH AND INSTALL APPROXIMATELY ONE THOUSAND FIVE HUNDRED (1,500') LINEAR FEET OF NEW FENCING, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID NO. 22-13-14 SAN SOUCI ALLEY FENCE REPLACEMENT PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE PROVISION OF THE FENCE REPLACEMENT PROJECT WITH THE SELECTED CONTRACTOR, AT A COST NOT TO EXCEED ONE HUNDRED NINETY-SEVEN THOUSAND FIFTY-EIGHT DOLLARS AND NINETY-FIVE CENTS (\$197,058.95); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilwoman Keys made a motion to approve [TAB H], Councilwoman Steril seconded the motion, and it was approved by a 5-0 vote.

[TAB I] FAILED.

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH MIAMI AND THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC., TO IMPLEMENT A VOLUNTARY RETIREMENT INCENTIVE FOR ELIGIBLE BARGAINING UNIT EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

(CONTINUED FROM THE MARCH 25, 2014 COUNCIL MEETING)

There was no motion; item failed.

[TAB J] APPROVED

PROPOSED ORDINANCE (*SECOND READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", SPECIFICALLY AT ARTICLE 5, ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22, ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Councilman Galvin made a motion to approve [TAB J]. This motion was seconded by Mayor Tondreau and passed by a 5-0 vote.

[TAB K] APPROVED

PROPOSED ORDINANCE (*SECOND READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI, ENTITLED "ADMINISTRATION", ARTICLE III, ENTITLED "BOARDS, COMMITTEES, COMMISSIONS", DIVISIONS 2 THROUGH 10, SPECIFICALLY AT SECTIONS 2-61, 2-82, 2-158, 2-187, 2-201, 2-217, 2-227, 2-231, 2-238 AND 2-249, BY AMENDING THE BOARD COMPOSITION FOR THE BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA) AND BY REVISING TERMS OF OFFICE TO ALLOW FOR THE TERMS OF BOARD AND COMMISSION MEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Tondreau made a motion to discuss [TAB K]. Council Galvin seconded the motion with an amendment to strike the language in C1 stated that the terms of office of boards and commission members to be coterminous with the term of the appointing councilmember. It means this stipulation will not apply to the MOCA's Board. This motion was adopted by a 5-0 vote.

[TAB L] REMOVED

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY CREATING SECTION 15-138, ENTITLED “RETIREMENT INCENTIVE PROGRAM” IN ARTICLE IV “NORTH MIAMI POLICE PENSION PLAN”, TO ESTABLISH A RETIREMENT INCENTIVE PROGRAM FOR CERTAIN ELIGIBLE MEMBERS OF THE POLICE PENSION PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
(*CONTINUED FROM THE MARCH 25, 2014 COUNCIL MEETING*)

[TAB M] PASSED

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, ARTICLE 2, ENTITLED “DECISION-MAKING AND ADMINISTRATIVE BODIES”, DIVISIONS 2 THROUGH 4, SPECIFICALLY AT SECTIONS 2-202, 2-302, AND 2-402, BY AMENDING TERMS OF OFFICE TO ALLOW FOR THE TERMS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, AND BUSINESS DEVELOPMENT BOARD MEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Councilman Galvin made a motion to approve [TAB M]. Councilwoman Steril seconded the motion, and it passed by a 5-0 vote.

[TAB N]

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING CHAPTER 16 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “PUBLIC PLACES”, ARTICLE II, ENTITLED “PUBLIC LIBRARY”, SPECIFICALLY AT SECTION 16-17, BY AMENDING TERMS OF OFFICE TO ALLOW FOR THE TERMS OF LIBRARY BOARD MEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Tondreau made a motion to approve [TAB N]. This motion was seconded by Councilwoman Keys and passed by a 5-0 vote.

[TAB O]

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “PERSONNEL, PENSIONS AND RETIREMENT”, ARTICLE I, ENTITLED “DEPARTMENT OF PERSONNEL”, SPECIFICALLY AT SECTION 15-4, BY AMENDING THE TERMS OF OFFICE FOR PERSONNEL BOARD MEMBERS APPOINTED BY CITY COUNCILMEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER;

PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Tondreau made a motion to approve [TAB O], Councilman Galvin seconded the motion, and it passed by a 5-0 vote.

[TAB P]

DISCUSSION AND APPROVAL TO INITIATE THE SALE OF THE PROPERTY KNOWN AS "BISCAYNE LANDING" OF APPROXIMATELY 175 ACRES AND AUTHORIZING THE CITY MANAGER TO BEGIN THE DUE DILIGENCE PROCESS BY SECURING TWO INDEPENDENT APPRAISALS (PAID BY DEVELOPER) AND TO BEGIN NEGOTIATIONS WITH OLETA PARTNERS FOR A PRICE MOST FAVORABLE TO THE CITY.

Vice-Mayor Bien-Aime made a motion to discuss [TAB P], Councilwoman Steril seconded, but there was no vote after the discussion.

[TAB Q] REMOVED

DISCUSSION AND APPROVAL FOR THE PURCHASE OF A TABLE FOR THE ANCIENT SPANISH MONASTERY FOUNDATION FOR ITS ANNUAL LEGACY GALA, APRIL 12, 2014.

[TAB R]

DISCUSSION AND APPROVAL FOR THE PURCHASE OF A TABLE FOR THE HAITIAN NURSES ASSOCIATION OF FLORIDA (H.A.N.A.) 30TH ANNUAL SCHOLARSHIP FUNDRAISING & AWARDS GALA, APRIL 12, 2014.

Councilwoman Steril made a motion to approve \$1,000 to purchase tables at the Haitian Nurses Association of Florida (H.A.N.A.) 30th Annual Scholarship Fundraising & Awards Gala, April 12, 2014. Mayor Tondreau seconded and motion passed by a 5-0 vote.

[TAB S]

DISCUSSION AND APPROVAL FOR THE PURCHASE OF A TABLE FOR THE ASSOCIATION FOR DEVELOPMENT AND PROGRESS OF DESHOUVRAY, SAINT LOUIS DU NORD BANQUET, APRIL 12, 2014.

Mayor Tondreau made a motion to approve \$1,000 to purchase tables at the Association for Development and Progress of Deshouvray, Saint Louis du Nord Banquet, April 12, 2014. Councilwoman Steril Seconded the motion, and it was approved by a 5-0 vote.

[TAB T]

DISCUSSION REGARDING RESIGNATION OF THE CITY MANAGER AND THE APPOINTMENT OF AN INTERIM CITY MANAGER.

Mayor Tondreau made a motion to approve a 3 month severance pay to the retiring City Manager, Mr. Stephen Johnson. The motion was seconded by Councilwoman Steril and passed by a 3-2 vote. Council members Galvin and Keys voted no. There was no exact amount attached to the motion, but during discussion Council came up with about \$60,000. Then Mayor Tondreau made a motion to appoint Madam Lumane Pluviose-Claude as Interim City Manager. This motion was seconded by Councilwoman Steril and failed by a 2-3 vote. Council members Keys, Galvin, and Bien-Aime voted

no. Afterward, Councilman Galvin made a motion to appoint Mr. Aleem Ghany as Interim City Manager. The motion was seconded by council member Keys and passed by a 4-1 vote. Mayor Tondreau vote no.

Councilwoman Carol Keys, Esq.

Gave a report

Councilman Scott Galvin

No report

Councilwoman Marie Erlande Steril

Gave direction to staff to start the search for a permanent City Manager. Mayor Tondreau seconded, but there was no vote.

Vice-Mayor Philippe Bien-Aime

Gave a report

Mayor Lucie M. Tondreau

Gave a report

City Clerk's Report

Gave a report

City Attorney's Report

The City Attorney recommended that Council scheduled an executive session to address the lawsuit filed by the MOCA Board of Trustee against the City of North Miami as early as next week Monday.

City Manager's Report

Gave a report

Adjournment 11:20